

CRMC DECISION WORKSHEET

2023-01-019

East Meadow LLC

Hearing Date:	
Approved as Recommended	
Approved w/additional Stipulations	
Approved but Modified	
Denied	Vote

APPLICATION INFORMATION						
File Number	Town	Project Location		Category	Special Exception	Variance
2023-01-019	South Kingstown	1391 Succotash Road		A*	<input type="checkbox"/>	X
		Plat	88-4			
		Owner Name and Address				
Date Accepted	1/11/23	East Meadow LLC		Work at or Below MHW		X
Date Completed	8/30/23	c/o Paul Hooper 2464E Comm. Perry Highway Wakefield, RI 02879		Lease Required	<input type="checkbox"/>	

PROJECT DESCRIPTION

A residential boating facility consisting of a 4' x 120' fixed timber pier, 3' x 18' access ramp and 8' x 18.75' terminal float. The facility is proposed to extend ~90' seaward of the cited MLW mark, as measured from the inland cited MLW mark on the western side of the existing sandbar. The structure is proposed to extend ~33' seaward of the outer cited MLW mark on the eastern side of the existing sandbar.

KEY PROGRAMMATIC ISSUES

Coastal Feature: Coastal beach backed by revetted coastal bank

Water Type: Type 5, Comm/Recreational Harbors, Point Judith Pond/Potter Pond Channel

Red Book: 1.1.6(G), 1.1.7, 1.1.10, 1.2.1(E), 1.2.2(A), 1.2.2(D), 1.2.2(F), 1.3.1(B), 1.3.1(D), 1.3.1(R), 1.3.5

SAMP: Salt Pond SAMP, Lands Developed Beyond Carrying Capacity

Variations and/or Special Exception Details:

40' length variance to Redbook 650-RICR-20-00-01 Section 1.3.1(D)(11)(l)

100% setback variance to Section 1.3.1(D)(11)(k)

Additional Comments and/or Council Requirements: Consideration of objector's comments

Specific Staff Stipulations (beyond Standard stipulations): N/A

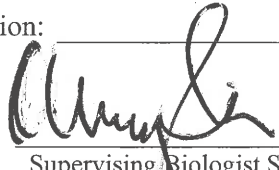
STAFF RECOMMENDATION(S)


Engineer _____ Recommendation: _____

Biologist TAS Recommendation: No Tech. Objection, Defer re Comments Received

Other Staff _____ Recommendation: _____

 9/7/23
Engineering Supervisor Sign-Off date

 9/7/23
Supervising Biologist Sign-off date

 7 SEP 2023
Executive Director Sign-Off date

Staff Sign off on Hearing Packet (Eng/Bio) date

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STATE OF RHODE ISLAND
COASTAL RESOURCES MANAGEMENT COUNCIL
STAFF REPORT TO THE COUNCIL

DATE: 29 August 2023
TO: Jeffrey M. Willis, Executive Director
FROM: T. Silvia, Sr. Env. Scientist, Permitting Section

Applicant's Name:	East Meadow LLC
CRMC File Number:	2023-01-019
Project:	Construct and maintain a residential boating facility, requiring variances
Location:	1391 Succotash Road; South Kingstown: Plat(s): 88-4; Lot(s): 6
Water Type/Name:	5, Potter Pond Channel, Commercial/Recreational Harbors
Coastal Feature:	Coastal beach backed by coastal bluff/seawall
Plans Reviewed:	"Dock Plan..East Meadow LLC..AP 88-4, Lot 6, South Kingstown.." dated 1/2/23 by Mark L. Dowdell, RPE/Richard L. Couchon, PLS and 3/6/23 by Mark Dowdell.

A) INTRODUCTION:

1-- The project site is located at the northeastern tip of the Gooseberry Island peninsula (Figure 1) which extends from Jerusalem to the south toward the Potter Pond Channel to the north. There are six residences located at the tip of this peninsula, four with existing residential boating facilities. The parcel abuts Point Judith Pond Type 5 waters to the east and Potter Pond Channel to the north. To the east is the Port of Galilee and to the north is a mix of residential development and the Snug Harbor marina district. The coastal feature is a coastal beach with seawall fronting the coastal bank. A sandbar is located 40-50' offshore.

2--The applicant filed Preliminary Determination (PD) #2021-09-084 due to the unique site conditions, requesting guidance. A PD report was issued 12/28/21 which noted the presence of the offshore sandbar and navigational channels, property line setback variances (both abutters) and lack of boat lift/SAV data. Staff recommended pre-communication with the local harbormasters, relocation further north to align with the existing stairway, shortening the length from -3' MLW and obtaining signoffs to avoid the variances.

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3—The current application was accepted 1/11/23 and sent for a 30day public notice period to both South Kingstown and Narragansett areas on 2/21/23. One comment was received during Notice (see below). The US Army Corps of Engineers issued a Pre-Construction Notification (PCN) GP approval on 6/28/2023.

B) PROPOSED PROJECT:

The applicant is proposing to construct a residential boating facility consisting of a 4' x 120' fixed timber pier, 3' x 18' access ramp and 8' x 18.75' (150sf) terminal float. The facility will align with the existing shoreline access stairway and extend east to the sandbar where it turns northeast spanning the sandbar and crossing over the northern property line extension.

C) APPLICABLE REGULATIONS/STAFF COMMENTS:

1—An objection (650-RICR-20-00-01Section 1.1.6) was received from the northern abutter during the public notice period (see below for further discussion).

2—A 40' length variance is required from Section 1.3.1(D)(11)(l), as the facility is proposed to extend 90' seaward of the cited MLW mark (located inland of the sandbar). The current location is the minimal length variance due to the existing sandbar to be spanned.

3—The existing depths at the terminus of the proposed facility are -3' MLW, which is consistent with CRMC past practice and/or standard for minimum water depth (18"-3') for residential docks. The proposed dock was shortened in accordance with staff PD comments from -5' MLW depth, reducing the length variance.

4—A 25' (100%) setback variance is required from Section 1.3.1(D)(11)(k) as much of the structure will be located over the northern property line extension. The alignment is consistent with staff's comments for location of the facility, to shorten the overall length of the facility. Siting the facility in its chosen location provides over 60' to the northern abutter's facility.

5—The proposed project is consistent with Type 5 waters (commercial and recreational harbor) which contains a proliferation of residential and commercial docks and marinas along the surrounding shorelines in both South Kingstown (Snug Harbor) and Narragansett (Galilee/Jerusalem). The water type transitions to Type II (low intensity use) to the northwest with Potter Pond Channel (East Matunuck) backed by more residential docks and marinas.

6—In order to limit impacts to the existing coastal beach, bluff and seawall, the proposed pier has been relocated per staff comment to align with the existing shoreline access stairway. Lateral access below the facility is achieved with 5' clearance at the cited MHW mark, consistent with CRMC past dock permits.

7—The consulting PE states the project is designed in accordance with the dock standards contained within Section 1.3.1(D)(11), unless otherwise noted (see variance request). There is no submerged aquatic vegetation (SAV) for coastal wetland present at the site. The float has been sited to align parallel with the channel for easier access, similar to nearby facilities. The proposed facility meets applicable mooring field

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and/or federal channel setbacks. There is no longer a boat/float lift proposed and a PLS-stamped plan has been provided as required for the property line extension variance.

8—Section 1.3.5 relates to scenic value protection and enhancement. It is staff's opinion that a proposed residential boating facility in this environment is consistent with the current aesthetics of the area, given the high boating frequency and abundant docks and marinas nearby.

D) COMMENTS ON VARIANCE REQUEST:

1—The submitted variance request indicates that attempts at obtaining a signoff from the northern abutter were unsuccessful, although one was submitted from the southern abutter, which is no longer applicable. The facility has been shortened and realigned further north in accordance with prior PD recommendations, and the proposed lift removed, removing the necessity for the southern setback variance.

2—It is staff's opinion that the application conforms with the applicable goals and policies of the CRMP as discussed in "C" above. Construction of a residential boating facility is consistent with existing and expected uses of this waterbody and shoreline. Excepting the two variances, which are dependent on site conditions, the project has been designed consistent with Section 1.3.1(D) dock standards.

3—It is also staff's opinion that the project will not result in significant adverse environmental impacts or use conflicts, including cumulative. As indicated herein, the design meets the siting requirements except for the variances noted and is consistent with nearby existing uses and similar CRMC permitted docks in this waterway. Neither local harbormaster provided objection to the proposed project during the public notice.

4—Due to the existing sandbar (40'-50' offshore) and lot width (50'), the required length and property line setbacks can not be met at the site. Centering the facility on the lot would lessen one setback variance while creating a second setback variance, as well as increasing the required length variance. Staff therefore recommended the current design in the PD report.

5—It is staff's opinion that the applicant has minimized the variance requests consistent with prior PD staff comments, reducing the overall length of the facility, and defers to the Council for consideration of the remaining variance criteria.

E) OBJECTION:

1—Following the PD issuance, staff spoke with one of the northern abutters (Keeton Trust) regarding potential impacts and concerns from the proposed dock. Information regarding the abutter signoff and public hearing process was also conveyed. Admin staff also spoke with a Trust representative regarding procedural process during review of this application.

2—The comment received during public notice was from the family of Shirley Keeton Trust. Long-time abutters, they are familiar with the project site and existing conditions, having a permitted dock themselves. Several concerns were noted in their objection, including potential for navigation hazard, beach/water access

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impacts, privacy and property value/view issues, future storm damage, construction impacts, as well as preferred alternative locations for the proposed facility. A hearing was requested.

3—The applicant’s attorney provided a written response to the objection, which rebuts much of the stated concerns as well as provides additional interpretation of the potential conflict. While recognizing the abutter’s concerns, staff also concurs with the applicant’s response relative to the site conditions. There should be minimal impact to the abutting facility during construction of the proposed facility if standard construction methods are employed.

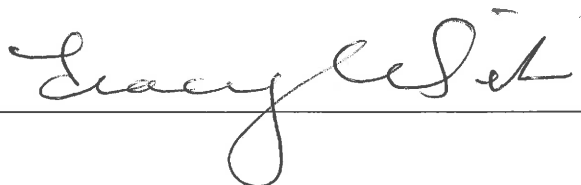
4—Deferring to the Council regarding the comment received, staff does concur there are alternative locations (as cited by the abutter) available. However, as previously discussed herein, the chosen location is based on staff’s concerns with minimization of the necessary variances and overall reduction in dock length.

5—Regarding potential use conflicts, there already exists a heavy boating environment and the proposed facility is located consistent with the abutter’s dock length relative to channel access. While there does also exist heavy recreational use of the sandbar during low tide, the chosen location spans the least amount of sandbar while still obtaining minimum water depth at a shorter distance. The remaining southern portion of the sandbar and a small portion to the north of the proposed dock will remain accessible. The dock will be elevated over 5’ above the sandbar at low tide, providing continued lateral access below as well.

F) SUMMARY:

It is staff’s opinion that the proposed residential boating facility is designed consistent with the Redbook and similar CRMC past dock permits. The exceptions are the two requested variances, which are necessary due to existing site locations and chosen design orientation. The chosen orientation is consistent with staff’s PD comments regarding minimization of variance and overall length/use conflicts. Although the northern abutter’s property line extension is crossed, it is staff’s opinion there is sufficient room for continued use of that facility with the current proposal. This design will allow for maximal continued use of the existing sandbar by all members of the public as well. There are no technical objections to this proposal, although staff defers to the Council for consideration of the objector’s comments. Standard stipulations are withheld pending Council’s decision.

Staff Signature: _____



T. Silvia, Staff Biologist

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Figure 1: Gooseberry Island proposed residential boating facility for East Meadow, LLC

